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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.												
10/724,137	12/01/2003	Takao Shudo	325772033400	1206												
7590 Barry E. Bretschneider Morrison & Foerster LLP Suite 300 1650 Tysons Boulevard McLean, VA 22102		10/01/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">PATEL, CHIRAG R</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2141</td><td></td></tr><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>10/01/2007</td><td>PAPER</td></tr></table>		EXAMINER		PATEL, CHIRAG R		ART UNIT	PAPER NUMBER	2141		MAIL DATE	DELIVERY MODE	10/01/2007	PAPER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/724,137	Applicant(s) SHUDO, TAKAO	
	Examiner Chirag R. Patel	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: ____ | 6) <input type="checkbox"/> Other: ____ |

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The current title is "IMAGE PROCESSING APPARATUS IN WHICH PROCESS TO BE EXECUTED TO IMAGE IS LIMITED, IMAGE PROCESSING PROGRAM PRODUCT EXECUTED THEREBY, MANAGEMENT SERVER EXECUTING PRESCRIBED PROCESS TO IMAGE TRANSMITTED FROM THE IMAGE PAROCESSING APPARATUS, AND INFORMATION PROCESSING PROGRAM PRODUCT EXECUTED THEREBY"

37 CFR 1.72. Title and abstract.

(a) The title of the invention may not exceed 500 characters in length and **must be as short and specific as possible**. Characters that cannot be captured and recorded in the Office 's automated information systems may not be reflected in the Office 's records in such systems or in documents created by the Office. Unless the title is supplied in an application data sheet (§ 1.76), the title of the invention should appear as a heading on the first page of the specification.

The following title is suggested: "Image processing apparatus, program product and management server executing prescribed process to a transmitted image."

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 22 and 23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As per claims 22 and 23, "An

Art Unit: 2141

image processing program product" is directed to software that is not embodied on a medium that meets a statutory category of invention. Applicant's spec discloses per [0035], "Further, the image processing program or the management program may be provided not through a recording medium but through network 3." Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 12-20, and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Rublee et al. – hereinafter Rublee (US 2003/0043416).

As per claims 1 and 22, Rublee discloses an image processing apparatus capable of communicating with a management server, comprising:

an image data input unit inputting image data; ([0012])

an authentication information input unit inputting authentication information necessary for authenticating a user; ([0016])

an authentication information transmitter transmitting said input authentication information to said management server; ([0016],[0018]; Thus, according to the present embodiment of the present invention, soon after the network login at scanner 12, information derived from the network login, such as the login name, is associated, within a database which can be resident in scanner 12, or elsewhere, with an e-mail address of the identified sending person)

a process content information receiver receiving from said management server, in response to the transmission of said authentication information, process content information for specifying a process content that is registered in association with said user among process contents executed by said management server; ([0018]; information derived from the network login, such as the login name, is associated, within a database which can be resident in scanner 12, or elsewhere, with an e-mail address of the identified sending person, interpreted as process content that is registered in association with said user, as a context is broadly interpreted as a location of a user, which is the email address)

a specification accept unit accepting specification of said received process content information; and ([0020]; the e-mail address of the sender, as determined above by association with the network login name, is placed in the "From:" space in the e-mail message is interpreted as the specification of the received process content information)

an instruction transmitter transmitting said specified process content information and said input image data to said management server. ([0023]; email server is interpreted as management server, If the error is of a type that sending any message to

Art Unit: 2141

a destination computer is impossible (e.g. the e-mail server 18 is down), the error message would be sent to the scanner 12; shows image is sent to email server first before sending to the destination computer)

As per claim 2, Rublee discloses the image processing apparatus according to claim 1, further comprising a display unit displaying said received process content information. ([0023])

As per claim 3, Rublee discloses the image processing apparatus according to claim 2, wherein said display unit includes a title display unit displaying a title included in said process content information, ([0019], [0023]) and a detail information display unit displaying, in response to specification of said displayed title, detail information included in said process content information. ([0019], [0023])

As per claim 4, Rublee discloses the image processing apparatus according to claim 1, wherein said image processing apparatus is capable of communicating with a plurality of management servers through a network, and further comprises a management server selector selecting one of said plurality of management servers. ([0015])

As per claim 5, Rublee discloses the image processing apparatus according to claim 4, further comprising a detector detecting each of said plurality of management servers. ([0026; LDAP query)

As per claim 6, Rublee discloses the image processing apparatus according to claim 5, wherein said detector includes a send unit sending a search request to said network for detecting said plurality of management servers, and a response receiver receiving a response to said search request. ([0026; LDAP query)

As per claims 7, 16, and 19-20, Rublee discloses the image processing apparatus according to claim 1, wherein said process content includes at least one of: a transmission process for transmitting said image data to other computer; a recording process for recording said image data in a recording medium; and an image process. ([0019])

As per claims 8 and 17, Rublee disclose the image processing apparatus according to claim 7, wherein said transmission process includes a transmission through an e-mail. ([0019])

As per claims 9 and 18, Rublee discloses the image processing apparatus according to claim 7, wherein said transmission process includes a file transfer process.

Art Unit: 2141

([0019])

As per claim 10, Rublee discloses the image processing apparatus according to claim 7, wherein said recording process stores said image data in a database. ([0027], Figure 3: item 102)

As per claim 12, Rublee discloses the image processing apparatus according to claim 1, wherein said process content includes an image process to said image data, said image processing apparatus further comprising: a processed image data receiver receiving a processed image data that has been executed the image process from said management server; and an output unit outputting said received processed image data. ([0027])

As per claim 13, Rublee discloses the image processing apparatus according to claim 12, wherein said output unit is an image forming apparatus forming an image in a recording medium. ([0030; Figure 2: item 120])

As per claims 14 and 23, Rublee discloses a management server capable of communicating with an image processing apparatus, comprising:

a process content table store unit storing a process content table associating identification information for identifying a user with a process content; ([0013])

an authentication information receiver receiving authentication information necessary for authenticating the user from said image processing apparatus; an authentication unit determining if said received authentication information is true or not; ([0017])

a process content information transmitter extracting, when said received authentication information is determined to be true by said authentication unit, a process content stored in said process content table in association with identification information included in said authentication information, and transmitting process content information for specifying said extracted process content to said image processing apparatus; and ([0017])

a processing execute unit executing, when receiving image data and said process content information from said image processing apparatus in response to the transmission of said process content information, a process to said received image data in accordance with the process content specified by said received process content information. ([0018] , [0023])

As per claim 15, Rublee discloses the management server according to claim 14, wherein said management server is capable of communicating with a plurality of image processing apparatuses through a network, and further comprises a response transmitter transmitting, in response to receipt of a search request transmitted from each of said plurality of image processing apparatuses, a response to said search

request to the image processing apparatus that has transmitted said search request.

([0013], [0026]; LDAP query)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rublee (US 2003/0043416) in view of White et al. – hereinafter White (US 2004/0120009).

As per claims 11 and 21, Rublee discloses the image processing apparatus according to claim 7. Rublee fails to disclose wherein said image process is at least one process selected from: a tilt correction process; a noise elimination process; a color matching process; and a direction correction process in which direction of an image is determined and the image is rotated for correction. White discloses wherein said image process is at least one process selected from: a tilt correction process; a noise elimination process; a color matching process; and a direction correction process in which direction of an image is determined and the image is rotated for correction. ([0070]) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to disclose said image process is at least one process selected

Art Unit: 2141

from: a tilt correction process; a noise elimination process; a color matching process; and a direction correction process in which direction of an image is determined and the image is rotated for correction in the disclosure of Rublee. The motivation for doing do would have been to allow the user to modify the image. ([0070])

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday to Friday from 7:30AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Art Unit: 2141

Chirag Patel
Patent Examiner
AU 2141

C.P. *C.P.*



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